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C O N F I D E N T I A L SECTION 01 OF 02 STATE 020375

SIPDIS

E.O. 12958: DECL: 03/04/2019

TAGS: PHUM PREL UN EG

SUBJECT: URGING EGYPT NOT TO RUN A FREEDOM OF EXPRESSION  
RESOLUTION AT THE HUMAN RIGHTS COUNCIL

Classified By: DRL A/AS Karen Stewart, Reasons 1.4 (b,d).

¶11. (C) ACTION REQUEST: Department has learned through our Mission in Geneva that Egypt is planning to run a freedom of expression resolution at the March session of the Human Rights Council, which started on March 2. Canada, the traditional sponsor of the resolution, has already requested that Egypt not run the resolution as it is premature - the UN Special Rapporteur on Freedom of Expression has not yet issued his annual report. Post should draw on the background provided to demarche at the highest appropriate level to urge Egypt not to run this resolution at the March session. Canada and the EU are planning similar demarches, and Embassy should seek to coordinate, if appropriate. If the GoE is adamant that they will run a resolution this year, Post should note our concern that: 1) a rushed, premature resolution without significant prior consultation will not improve our efforts to cooperate at the UN, and 2) taking the lead on this resolution will open the GoE's own record up for criticism. Post is requested to respond by March 9.

BACKGROUND

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¶12. (U) At the 2008 March session of the HRC, Canada was (as it has been for years) the main sponsor of a resolution that renewed the mandate of the Special Rapporteur on Freedom of Expression. The Organization of the Islamic Conference (OIC) introduced an amendment, calling on the Special Rapporteur to focus on the abuse by individuals of freedom of expression. This led the U.S., Canada, and many other traditional supporters of the resolution to withdraw co-sponsorship of the resolution, and for some traditional co-sponsors to abstain during the vote on the resolution. The resolution still passed with 32 members voting in favor, and 15 members abstaining. We have serious concerns that if Egypt chooses to run a resolution, it will again try to restrict freedom of expression.

¶13. (SBU) Canada plans to run a freedom of expression resolution at the June session of the Human Rights Council. The report of the Special Rapporteur will not be out until the June HRC session, which is why Canada plans to wait until the June session. Canada, as the traditional main sponsor, has done a fantastic job, and the U.S. has long been supportive of their efforts and a cosponsor of this resolution. Canada should be allowed to continue to run this resolution and should not be pre-empted by Egypt. It should also be noted that, as a matter of protocol in multi-lateral human rights fora, it is very rare (if not hostile) for a country to run a resolution on a topic that another country traditionally runs. The United States is open to consulting closely with Egypt and Canada in advance of the June session.

¶14. (SBU) The United States firmly believes that the best way

to counter intolerant speech is through dialogue. Broad criminalization or restrictions on speech can be counterproductive, since it may create an atmosphere of intolerance and fear and may stifle legitimate criticism. As a result, the U.S. will not be able to accept language that undermines the appropriately broad scope of freedom of expression or calls on States to prohibit speech. At a time when the U.S. is looking to expand cooperation in multilateral fora, a decision by Egypt to run a problematic resolution on a topic that has special significance for the United States, given our history and dedication to this topic, would not be welcome.

¶15. (SBU) We will not support language about restricting speech that "defames religions" nor will we support language that seeks to capture the problematic "defamation of religions" concept under the legal concept of "incitement to religious hatred."

¶16. (SBU) Taking the lead on this resolution will open the GoE's own record up for criticism. If GoE, nevertheless, decides to run a resolution, we would expect that this signals a new commitment to improving its own record on freedom of expression and demonstrating leadership in the international community on the following topics:

-- Condemning imprisonment for the peaceful exercise of

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freedom of expression and calling on other states to end this practice;

-- Expressing deep concern about violations of the right to freedom of expression and attacks on journalists and other media workers;

-- Underscoring that freedom of expression is an essential foundation of democratic societies;

-- Raising awareness about the positive contribution that the exercise of the right to freedom of expression can make to the fight against intolerance;

-- Promoting freedom of expression and the flow of information on all forms of media, including the Internet by allowing citizens broad access to websites and search engine results and calling on other states to do this as well;

¶17. (SBU) In addition, as drafter of such a resolution, we would expect the GoE to take concrete steps to show its commitment. This would include such things as promoting greater flow of information and releasing those people who have been imprisoned for peacefully expressing their opinions.

¶18. (U) Post is requested to report outcome of demarche via front channel cable, with responses slugged to DRL/MLGA Alyson Grunder, and IO/RHS Amy Ostermeier by no later than March 9, 2009. Posts should use SIPDIS caption in responses.  
CLINTON